

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2007-172

July 25, 2007

SUBJECT: Delegation of Authority - National Capital Revitalization Corporation and
Anacostia Waterfront Corporation Reorganization Clarification
Emergency Act of 2007


ORIGINATING AGENCY: Office of the Mayor

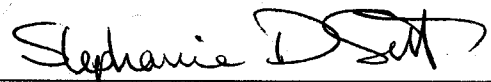
By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(2), (6) and (11) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2), (6) and (11) (2006 Repl.), the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Clarification Emergency Act of 2007, effective July 20, 2007 (D.C. Act 17-71) (the "NCRC-AWC Emergency Act"), chapter 958 of an Act Authorizing the Commissioners of the District of Columbia to make regulations respecting the rights and privileges of the fish wharf, approved March 19, 1906, 34 Stat. 72, D.C. Official Code § 37-205.01 (2006 Supp.) (the "Fish Market Act"); and by section 2 of an Act Relative to the control of wharf property and certain public spaces in the District of Columbia, approved March 3, 1899, 30 Stat. 1377, D.C. Official Code § 10-501.01 (2001) (the "Washington Marina Act"); it is hereby **ORDERED** that:

1. The Deputy Mayor for Planning and Economic Development is delegated the authority to perform any function or action authorized to be performed by the Mayor under the NCRC-AWC Emergency Act.
2. All real property, including legal and equitable property thereto, personal property, capital, intangible assets, property, records, contractual rights and obligations, all other existing rights and obligations transferred to the District under sections 201(a) and 202(a) of the NCRC-AWC Emergency Act shall be placed under the management and control of the Deputy Mayor.
3. The Deputy Mayor is hereby delegated the management and control of the area to be known as Diamond Teague Park (located within the area of the extension of the First Street, S.E., right-of-way between the Potomac Avenue, S.E., right-of-way and the Anacostia River and including the real property known as the former Capitol Building Pump house) (the "Park").

4. For the purpose of paying for the portion of the costs of the construction and programming of the Anacostia Riverwalk and Trail in ANC 6D, the \$1.5 million to be paid to the District of Columbia by JBG/SEFC Venture, L.L.C. pursuant to item 14 of the guidelines, conditions, and standards contained in Zoning Commission Order No. 03-05C, Consolidated Planned Use Development and Zoning Map Amendment for the Department of Transportation ("DOT") Headquarters in the Southeast Federal Center (January 12, 2004) shall be transferred to the Economic Development Special Account established by section 301 of the NCRC-AWC Emergency Act and used for the design and construction of the Park.
5. The Deputy Mayor is hereby delegated the management and control of the area known as Kingman and Heritage Islands (a subcomponent of U.S. Reservation 343, Section F) and Washington Canal Park (U.S. Reservations 17b, 17c, and 17d).
6. The Deputy Mayor is delegated the Mayor's authority under the Fish Market Act and the Washington Marina Act as it pertains to the Fish Market and the Washington Marina.
7. The Deputy Mayor is hereby delegated the management and control of the site known as the D.C. Tree Nursery (a subcomponent of U.S. Reservation 343, Section C) (the "D.C. Tree Nursery Site").
8. For the purpose of conducting environmental remediation at the D.C. Tree Nursery Site and creating necessary site infrastructure, and to the extent they have not previously been expended, funds in the amount of \$3,450,000 appropriated by the Congress in the District of Columbia Appropriation Act of 2001, 114 Stat. 2440, Pub. L. No. 106-522, H.R. 5633, 106th Cong., 2d Sess. (2001) (the "Appropriations Act") for remediation and revitalization of the Site (the "Site Revitalization Funds") are to be transferred to the Deputy Mayor.
9. For purposes of complying with the Federal and District of Columbia Government Real Property Act of 2006, H.R. 3699, 109th Cong., 2d Sess. (2006) (the "Federal Lands Act"), the Deputy Mayor shall prepare a site development plan ("Development Plan") that will: (a) set forth the planned distribution of public and private uses; (b) propose a plan for the relocation or consolidation of National Park Service facilities; and (c) set forth a public infrastructure plan for the surrounding area within which the Site is located, which area is described as "Poplar Point" in the Federal Lands Act. Such Development Plan shall conform to the requirements of the Federal Lands Act.

10. All authorities, duties, and functions previously delegated by the Mayor to the Anacostia Waterfront Corporation and National Capital Revitalization Corporation are transferred to the Deputy Mayor for Planning and Economic Development.
11. The authority delegated herein to the Deputy Mayor may be further delegated to subordinates under the jurisdiction of the Deputy Mayor.
12. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency therein.
13. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 20, 2007.


ADRIAN M. FENTY
MAYOR

ATTEST: 
STEPHANIE D. SCOTT
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



Legal Counsel Division

MEMORANDUM

TO: Barry Kreiswirth
Special Assistant for Policy and Legislation
Office of the Deputy Mayor for Planning and Economic Development

FROM: Wayne C. Witkowski
Deputy Attorney General
Legal Counsel Division *WCW*

DATE: July 11, 2007

SUBJECT: Legal Sufficiency Review of Draft Mayor's Order Delegating
Authority Under the NCRC – AWC Emergency Act
(AM-07-463) (MID 203450)

This memorandum responds to an email request this Division received from your office on July 10, 2007, by which you transmitted the above-referenced draft Mayor's Order (Order) for legal sufficiency review. The Order will delegate the Mayor's authority to perform any function or action authorized to be performed by the Mayor under the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Clarification Emergency Act of 2007, effective July __, 2007 (D.C. Act 17-__) (the NCRC – AWC Emergency Act) and associated duties and responsibilities to the Deputy Mayor for Planning and Economic Development.

The Order is legally sufficient, provided that the substantive and technical corrections incorporated into the attached redlined and final versions of the Order are included.¹ In addition, please insert the correct information in the areas that have been left blank as placeholders before you submit the final Order to the Office of Documents and Administrative Issuances. Mr. Clifton Posey, Office of Documents and Administrative Issuances, has certified that the attached final version of the Order complies with the technical requirements of his office.

¹ I understand that Assistant Attorney General Anne R. Hollander, of my staff, discussed these suggested changes with you on July 11, 2007, and that you concur with the changes.

If you have any questions about this memorandum, please contact either Assistant Attorney General Anne R. Hollander at 724-5533 or me at 724-5524.

WCW/arh

Attachments (2)